

Town Board Minutes

February 2, 2009

Meeting No. 5

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 2nd day of February 2009 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, EXECUTIVE DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 9:15 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a particular personnel matter in the Building & Zoning Department and a contractual matter.

At 11:25 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Grajek, Rose, spoke to the Town Board on the following matter:

- sidewalks on Logan Lane

Stoberl, Mary, spoke to the Town Board on the following matter:

- sidewalks on Logan Lane

Graber, Ken & Geblein, Jeff, spoke to the Town Board on the following matter:

- they thanked the Town Board for their efforts towards the band shell project

Welker, Paul, spoke to the Town Board on the following matter:

- he thanked the Town Board for making this a great community

Fronczak, Mike, spoke to the Town Board on the following matters:

- cost of contract negotiations
- snow removal on sidewalks

Forys, John, spoke to the Town Board on the following matter:

- a Police Department matter

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster as petitioned by Myron Prystajko for a rezone from Neighborhood Business (NB) to Commercial and Motor Service (CMS) for property situate at 3568 Walden Avenue.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Opponent/ Comments/Questions
Richard Sak	Opponent

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:43 P.M.

Decision on this matter was reserved.

February 2, 2009

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held January 20, 2009 and the Regular Meeting of the Town Board held January 20, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	ABSTAINED
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, healthy kidneys are essential to regulate the water and other chemicals in your blood; remove fluids, waste, toxins and drugs introduced to the body; release hormones that regulate blood pressure, make red blood cells and promote strong bones, and

WHEREAS, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease, and

WHEREAS, 170,000 Western New Yorkers have Chronic Kidney Disease and another 170,000 are at risk and don't know it, and

WHEREAS, 1,600 Western New Yorkers are on dialysis, and

WHEREAS, nearly 500 Western New Yorkers are awaiting a kidney transplant, and

WHEREAS, approximately 40 percent are African American and 16 percent are Hispanic, and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases, and

WHEREAS, the National Kidney Foundation of WNY has a free health screening program to identify people with early stages of kidney disease, and

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation, and

WHEREAS, early detection including regular reporting of the GFR calculation through a simple blood test, currently the best indication of kidney disease staging, can help prevent the progression of kidney disease to kidney failure, which requires continual dialysis or kidney transplant to maintain life, and

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease, and

WHEREAS, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and as necessary, transportation services to the dialysis facility, and as a consequence, any changes in Medicare and Medicaid eligibility, significantly put them at risk.

NOW, THEREFORE, BE IT

RESOLVED, that March 12th is recognized as "World Kidney Day" in New York State and

BE IT FURTHER

RESOLVED, that it is hoped that all possible support will continue to be extended to Chronic Kidney Disease patients in New York, throughout the country and throughout the world.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Ronald M. Fronckowiak, the owner of real property
situate at 10 Sussex Lane in the Town of Lancaster, New York, has submitted an application for
a Special Use Permit for a Home Occupation (Mortgage Broker Office), in accordance with
provisions of Chapter 50-Zoning of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 17 (F),
entitled “Home Occupations” of the Code of the Town of Lancaster, a Public Hearing on the
proposed Special Use Permit for a Home Occupation (Mortgage Broker Office) on premises
locally known as 10 Sussex Lane, Lancaster, New York, will be held at the Town Hall, 21
Central Avenue, Lancaster, New York, on the 23rd day of February, 2009, at 8:30 o’clock P.M.,
Local Time, and that Notice of the time and place of such hearing be published in the Lancaster
Bee, a newspaper of general circulation in said Town , on February 5, 2009 and be posted on
the Town Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie
County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law,
which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to
a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO, SR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17 (F), “Home Occupations” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 2nd day of February, 2009, the Town Board will hold a Public Hearing on the 23rd day of February, 2009, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Ronald M. Fronckowiak for a Special Use Permit, for a Home Occupation (Mortgage Broker Office) on premises locally known as 10 Sussex Lane, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: Johanna M. Coleman
Town Clerk

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Wm. Schutt & Associates P.C. the Town’s consulting engineer, has requested that the Town Board authorize an invitation to bid for the construction of the Lancaster Town Band Shell, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law §103 of the State of New York; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bids for the construction of the Lancaster Town Band Shell, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on February 25, 2009 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

File: rlancasterBandShellBids109

NOTICE TO BIDDERS

FOR THE

TOWN OF LANCASTER

LANCASTER TOWN BAND SHELL

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, no later than 10:00 A.M., Local Time, on the 25th day of February, 2009, for the construction of the new Town Band Shell, said bids are to be in conformance with specifications which are available at the office of TOWN ENGINEER Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086.

Contract documents for General Construction, Electrical, and Glu-Laminated Structures Installation may be obtained at the office of the TOWN ENGINEER upon deposit of \$50.00 for each set in the form of two (2) \$25.00 checks made payable to the TOWN ENGINEER. If requested in writing, the TOWN ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the TOWN ENGINEER. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED-LANCASTER TOWN BAND SHELL" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five percent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making its selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman
Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Consulting Architect:
Flynn Battaglia Architects, PC.
617 Main Street, Suite S401
Buffalo, New York 14203
(716)854-2424

By the Order of the Town Board of
Lancaster, Erie County, New York

Johanna Coleman
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
January 6, 2009 has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition to the membership of the Town Line Volunteer Fire Department the
following individual:

ADDITION:

Angela Voss
Amherst, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

WHEREAS, Natale Builders, 5930 Main Street, Williamsville, New York, 14221 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Nicholas Heights Subdivision, and

WHEREAS, the Town Engineer has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No.657 of Natale Builders, 5930 Main Street, Williamsville, New York, 14221 , for the installation of:

P.I.P. No. 657 (Street Lights)	Installation of 16 street lights in accordance with NYSEG street light design in Nicholas Heights Subdivision; price per fixture: \$201.05
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be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a vacancy will exist in the Lancaster Town Court for a Clerk to the Town Justice due to the retirement of Alice Filipowicz effective February 27, 2009, and

WHEREAS, Town Justice Mark Montour, by letter dated January 27, 2009, has recommended the appointment of Amy Pawlowski, Depew (Town of Lancaster), New York to the exempt position of Clerk to the Town Justice, full-time in the Lancaster Town Court.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Amy Pawlowski be and is hereby appointed to the position of Clerk to the Town Justice, full-time in the Lancaster Town Court with full benefits, effective March 2, 2009.
2. That the position of Clerk to the Town Justice is considered to be an exempt confidential appointment and not part of the CSEA White Collar Collective Bargaining Unit.
3. That the salary for this position shall be on step for the period March 2, 2009 - March 1, 2010, with a starting salary of \$32,218 per annum which is 85% of the full rate of \$37,904, with subsequent salary steps in accordance with Town Policy.
4. That the Supervisor take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, a vacancy will exist in the Lancaster Town Court due to the retirement of Judith Kane, Clerk Typist effective February 27, 2009, and

WHEREAS, Kristine Jablonski, presently employed as a Clerk Typist in the Parks and Recreation Department of the Town of Lancaster, has requested an internal transfer from the Parks and Recreation Department to the Lancaster Town Court, and

WHEREAS, this transfer has been agreed upon by both the General Crew Chief and the Town Justices.

NOW, THEREFORE, BE IT

_____ **RESOLVED**, that Kristine Jablonski be and is hereby appointed to the permanent civil service competitive position of Clerk Typist, full-time, continuing to accrue all benefits, with a salary of \$37,904, effective February 17, 2009, in the Lancaster Town Court.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster has heretofore contracted with Water District No. 1 of the Town of Elma for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road, between Bowen Road and Ransom Road, and which Contract expired March 31, 2008, and

WHEREAS, such Contract eliminates the need for the Town of Lancaster Fire Protection District to provide fire hydrants on the north side of Hall Road in the Town of Lancaster, thereby resulting in a saving to the taxpayers of the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to renew said Contract;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster, Erie County, New York, shall hold a public hearing on the question of the execution of a contract between the said Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Towns of Lancaster and Elma shall deem appropriate:

- a) The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefor, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice, each to the other;
- b) The contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No.1 of the Town of Elma, the sum of \$161.00 per hydrant per year for a total of fifteen (15) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 2008 and terminating March 31, 2013; and

- c) The contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require. If such hydrants shall benefit the Town of Lancaster, rental for same to be paid in accordance with Paragraph (b).

2. That said Public Hearing shall be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 23rd day of February, 2009 at 8:35 o'clock P.M., Local Time, at which time all citizens or parties in interest may be heard upon the said proposed Contract.

3. That the Town Clerk of the Town of Lancaster be directed to publish a Notice of such hearing in the Lancaster Bee and post a copy of the Notice of said Public Hearing on the Town Bulletin Board, said Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
FIRE PROTECTION DISTRICT

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o'clock P.M. , Local Time, on the 23rd day of February, 2009, upon a proposed contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Town of Lancaster and Town of Elma deem appropriate:

- a)** The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefor, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice each to the other.
- b)** The Contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No. 1 of the Town of Elma, the sum of \$161.00 per hydrant per year for a total of fifteen (15) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 2008 and terminating March 31, 2013.
- c)** The Contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require, rental for same to be paid in accordance with Paragraph (b).

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

BY ORDER OF THE

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: JOHANNA M. COLEMAN
Town Clerk

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the County of Erie Department of Senior Services has heretofore provided a van to the Town of Lancaster for the purpose of providing transportation to senior citizens in the Town of Lancaster, and

WHEREAS, it is necessary to enter into a contractual arrangement with the County of Erie in order to continue providing said services to seniors, and

WHEREAS, the Town Attorney has reviewed the proposed contract with the County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement with the County of Erie Department of Senior Services for the year 2009.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated January 28, 2009, has recommended the promotion of Lieutenant Marco Laurienzo to the position of Police Captain effective February 20, 2009, to fill the vacancy created by the retirement of Police Captain Riccardo Zuppelli effective February 21, 2009.

NOW, THEREFORE, BE IT

_____ **RESOLVED**, that Marco Laurienzo is hereby appointed to the position of Police Captain in the Town of Lancaster Police Department, effective February 20, 2009, with starting pay set on-step beginning at \$79,452.00.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated January 28, 2009, has recommended the promotion of Police Officer Patrick Young to the position of Lieutenant effective February 20, 2009, to fill the vacancy created by the promotion of Lieutenant Marco Laurienzo to the position of Police Captain.

NOW, THEREFORE, BE IT

_____ **RESOLVED**, that Patrick Young is hereby appointed to the position of Lieutenant in the Town of Lancaster Police Department, effective February 20, 2009, with benefits and salary in accordance with the departmental procedures and as set forth in the current Police Benevolent Association contract.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Governor Paterson has submitted his budget recommending a
“Youth Development Block Grant”, and

WHEREAS, this proposed block grant combines youth prevention and
intervention services with state mandated detention services, and

WHEREAS, the proposed cost saving measures would pit comprehensive
community based programs against the more costly detention services which is detrimental to
our young people, and

WHEREAS, we believe that the prevention and intervention services provided
by the Youth Bureau System, as it stands in Executive Law 420, Article 19a, are designed to
prevent the need for more costly services, such as detention, and

WHEREAS, New York State is abandoning its long-time leadership and
partnership in youth prevention, intervention and development services as articulated in
Executive Law 420, Article 19A, and

WHEREAS, the Town Board of Lancaster believes that providing services and
programs for youth is an investment, not only in delinquency prevention, but also in the
development of our young people, thus enriching our society and nation.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby requests
Governor Paterson and the New York State Legislature to uphold Executive Law 420, Article
19a to maintain the current Youth Bureau System which is in the best interest of the youth and
families of the Town of Lancaster and the entire State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 6456 to Claim No. 6661 Inclusive

Total amount hereby authorized to be paid: \$428,666.44

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 2009

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMIT:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
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NEW PERMITS:

16437	Moeller Sign Co	6673 Transit Rd	Er. Sign
16438	Leveled Contractors	886 Townline Rd	Re-Roof House
16439	Supreme Painting	16 Schilling Ct	Er. Res. Alt.
16440	Marrano/Mark Equity	5 St Davids Rd	Er. Dwlg.-Sin.
16441	R&P Oak Hill Devel.	5949 Broadway	Er. Comm. Add.
16442	Ryan Homes	22 Rose St	Er. Dwlg.-Sin.
16443	Ryan Homes	21 Rose St	Er. Dwlg.-Sin.
16444	Ryan Homes	17 Rose St	Er. Dwlg.-Sin.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

COMMUNICATIONS & REPORTS

42. Erie County Legislature to Town Board -
Transmittal of resolution regarding Cold War veterans exemption. DISPOSITION = Received & Filed
43. Mark Pempsell to Town Board -
Notice of intent to retire effective April 29, 2009. DISPOSITION = Received & Filed
44. Village of Lancaster to Town Board -
Minutes of meeting held January 12, 2009. DISPOSITION = Received & Filed
45. Waste Management to Supervisor -
Notice of contract price effective February 1, 2009. DISPOSITION = Supervisor
46. American Red Cross to Town Board -
Letter of appreciation and notice of Lancaster Elks Blood Drive, Wednesday, March 11, 2009, 2-7 PM. DISPOSITION = Received & Filed
47. Town Line Fire Department to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 2/2/08
48. President, Library Board of Trustees to Supervisor -
Notification of retirement of Elizabeth Wechter from Library Board and appointment of Gary Howell to fill the vacancy. DISPOSITION = Received & Filed
49. NYS DEC to Town Attorney -
Notice of lead agency designation regarding proposed rezone of 5497 Genesee Street, residential construction; concerns noted. DISPOSITION = Planning Committee
50. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held January 21, 2009. DISPOSITION = Received & Filed
51. Planning Board to Town Board -
Recommendation of approval regarding site plan for Medical Office Building, 4899 Transit Road; conditions noted. DISPOSITION = Planning Committee
52. The Office of Dennis H. Gabryszak, NYS Assembly to Supervisors, Town of Lancaster & Town of Cheektowaga -
Letter regarding the lack of snow clearing of sidewalks on Transit Road from Como Park to Broadway. DISPOSITION = Town Attorney & Building Inspector
53. Rose Grajek to Supervisor -
Letter and petition regarding sidewalks on Logan Lane in the Parkhaven Subdivision. DISPOSITION = Planning Committee
54. Erie County Department of Environment & Planning to Supervisor -
Notice of lead agency designation regarding site plan for Medical Office Building, 4899 Transit Road; comments and concerns noted. DISPOSITION = Planning Committee
55. NYS DOT to Town Attorney -
Notice of lead agency designation regarding site plan for Medical Office Building, 4899 Transit Road; comments noted. DISPOSITION = Planning Committee
56. Diane M. Terranova to Town Board -
Request to be considered for position on Town Planning Board. DISPOSITION = Town Board
57. NYSEG to Town Board -
Transmittal of press release indicating request to NYS Public Service Commission for rate increase. DISPOSITION = Received & Filed
58. Judith Kane to Supervisor -
Notice of intent to retire effective February 27, 2009. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 11:25 P.M. in memory of Donna Reese.

Signed _____
Johanna M. Coleman, Town Clerk